

Position Statement – National Planning Framework 4

Supplementary Paper *– Landscape Capacity v Sensitivity Studies*

This document sets out Scottish Renewables members' views on what will need to be included in National Planning Framework 4 (NPF4) to deliver the level of renewable energy technology deployment needed to meet Scotland's Climate Change commitments and achieve net-zero by 2045.

Scottish Renewables' position is that Landscape Capacity Studies are not fit for purpose and should be replaced with Landscape Sensitivity Studies as a starting point in project assessment, while giving weight to Scottish Planning Policy (SPP) 161 and Table 1. This paper should be read with the SR NPF4 Supplementary Position Paper on Spatial Planning for Onshore Wind.

Introduction

This paper addresses the attempt by Planning Authorities (PAs) to spatially plan for onshore wind energy development through Landscape Capacity Studies (LCSs). These studies are given undue weight in the planning system by being referenced and applied in development plan policies. Scottish Renewables members welcome and share the current Scottish Natural Heritage (SNH) view that Landscape Sensitivity Studies (LSSs) should be used instead of LCS.

LCSs invariably express support for renewables and then find that there is no or very limited capacity for modern turbines in their areas. They also frequently find that development which has already taken place further constrains future opportunities. This is expressed to be either because available capacity has been taken up or because new development is expected to be at the same or a similar scale (in terms of tip height) as that which is operational and may have been there for many years.

A prime example is the Argyll and Bute Council LCS which advises of 'very limited' capacity for >150m turbines in only one landscape character area (LCA) and of limited capacity for turbines of 80-120m. The detailed advice in the LCS makes it clear that even in the one favoured area for >150m turbines, there is in fact no real usable capacity. The exercise is blatant and the LCS is part of the current development plan. The proposed Argyll and Bute Local Development Plan (LDP) 2 promotes landscape to primary importance, setting out that 'developers will be required to demonstrate how they have taken into

consideration the detailed strategic guidance set out in the Argyll and Bute Landscape Wind Energy Capacity Study 2017.¹ Other PAs are discussed further below.

Reporters at inquiry have generally not found favour with LCSs as an attempt to plan for projects. In the Larbrax appeal (PPA-170-2015) decision the Reporter noted that the Dumfries and Galloway LCS had found that there was no remaining capacity for a wind farm in the area of the site, but said: 'The [LCS] is a useful indicator of the relative ease with which a particular landscape might accommodate a particular type of wind farm. However, it is no substitute for a site and proposal specific assessment of landscape and visual effects, as has been carried out by the appellant, or the development analysis that has been carried out in response to this proposal by the planning authority and SNH. The fact that the [LCS] effectively rules out the possibility of developing a wind farm anywhere within the Rhins peninsula is a material consideration, but in no way obliges me to dismiss the appeal.'

The approach of the Larbrax has been broadly followed by the large majority of Reporters, and the advice of the Reporters has been accepted in Ministerial decisions.

Definitions

A Landscape Sensitivity Study (LSS) assesses the landscape and visual susceptibility of landscape types (LCTs) or areas (LCAs) or, more likely, a range of types or areas to a development type. In the terminology of the Guidelines for Landscape and Visual Assessment (GLVIA), susceptibility and value are combined to produce a finding of overall sensitivity. However, an LSS does not engage with value (being the value attributed to landscape through designation or more personally), but only with susceptibility (being an assessment of the vulnerability of a landscape or a view to development based on professional judgement). An LSS does not ask how much capacity there may be to accept a particular amount of the type of development being studied. LSSs for onshore wind development are therefore a study of the relative susceptibility of the various LCTs or LCAs to a defined range of scales of development (e.g. up to 50m or 80 – 120m).

A Landscape Capacity Study (LCS) is a study of the capacity of the landscape to accept a finite and defined amount of development of a particular type (e.g. turbines or housing) in a particular area. In effect, the study will recognise a development target and explore where, from a landscape and visual perspective, that development may best take place. An LCS will examine matters by reference to the various landscape types (LCTs) or areas (LCAs) within a Planning Authority's area. Each LCT will have unique characteristics and may be found in more than one LCA. The conclusions will necessarily be compared at a project level with studies of other constraints and opportunities so that the best-rounded planning decision is made.

Issues with Landscape Capacity Studies

The issue with the LCSs of PAs to date has been that the more useful LSS stage in the documents are then followed by an attempt to discuss and reach a conclusion on capacity. This effort is fundamentally

¹ <https://www.argyll-bute.gov.uk/sites/default/files/Unknown/finalpldp2writtenstatementdepositv2.pdf>

flawed as there is no identified capacity target for wind energy to base this on. Without any indication of a target capacity for a given area, the premise of a capacity study is a misnomer. Without a defined capacity to allocate, the easy conclusion for the author of the study is to conclude there is no capacity.

This is exacerbated by an assumption from the very few landscape professionals engaged by PAs and SNH to conduct these studies that the more development that has taken place the less capacity there will be for further development. This approach seeks to deny the application of (a) the need case for renewables and (b) the application of other constraints when assessing a planning application. This approach is at odds with Scottish Government (SG) policy in Scottish Planning Policy (SPP) 161 and Table 1, and undermines decision making for onshore wind development.

NPF4 should advise against the use of LCSs for the following reasons:

- They cut across the clear position advised in SPP 161 and Table 1 that PAs should adopt the Groups 1, 2 and 3 approach of SPP Table 1 without refinement. Some PAs have sought to argue that SPP 162 enables them to cut back on Group 3 areas by applying local constraints not recognised in SPP Table 1. This is incorrect since SPP 162 simply focuses on cross-boundary cooperation between authorities, and the approach has received no support in appeals or Section 36 inquiries.
- LSSs are useful starting points for the assessment of projects. The addition of capacity advice is contrary to SPP and illogical in the absence of any PA-level renewable energy capacity targets.
- LCSs are produced by a very narrow pool of landscape professionals, and do not recognise the needs case for additional renewable energy deployment.
- LCSs only tackle landscape and visual effects, but development plan policies have often given disproportionate weight to these studies.
- The finding that an area is already at capacity based on onshore wind development to date is frequent. This denies any needs case for further development and is clearly at odds with the increasing strength of the needs case evidenced by a series of legal and policy pronouncements since the issue of SPP.
- LCSs often recommend that new development should be at the same or a similar scale as existing development. For example, the Moray Council LCS advises that new development should be at the same scale as developments which have tip heights of as little as 100m. This is unviable given the scale of modern turbines on the market.

The position of SNH and Planning Authorities

The Argyll and Bute study is entitled an LCS, as are others (e.g in Moray, Perth and Kinross, Highland, Dumfries and Galloway and Borders).

SNH has now recognised that the documents being produced by PAs are no more than LSSs. On its website, the LSS page says that SNH now refers to LCSs by the accurate title of LSSs, for reasons detailed above. However, there is no current evidence that SNH has changed its approach to LCSs in responding to applications.

PAs are not changing their approach to planning for currently proposed or future developments. They continue to promote LSSs as LCSs and to base their approaches to development on the advice in their LCSs.

The position of SNH and Scottish Government

In the Ironside Farrar report to Scottish Government on the adoption of SPP 2014 in LDPs, page 7 of the Executive Summary contains the concerning comment about LCSs that ‘basing decisions on LCS would be more robust.’ This is included despite being a report of a comment from a single consultee rather than a recommendation.

More significantly, the discussion of the success in practice of SPP policies at page 53 (para 4.3.25) of this report clearly endorses the views of Scottish Renewables and its members:

‘The scope of LCS should be fully addressed in [NPF4]. It should be noted that these high-level studies are not a substitute for detailed and site-specific landscape and visual impact assessments. Preferably these should be replaced by Landscape Sensitivity Studies which are restricted to the sensitivity of the landscape and do not attempt to arbitrarily advise on the likely acceptable capacity of an area to different scales of onshore wind development.’²

Policy Recommendations

NPF4 (and through its application SG, SNH and DPEA) should commend genuine LSSs as a useful starting point in project assessment, advise strongly against attempts at LCSs and continue the approach of SPP 161 and Table 1. This approach will assist greatly in achieving the Scottish Government’s declared key objective for NPF4 in Delivering Electricity: ‘To maximise the contribution of renewable electricity generation to meeting our net zero target in a sustainable way,’ set out in its Delivering Electricity background information note on SPP policies.³

NPF 4 should advise that the briefs issued by PAs for tenders to carry out LSS should require a positive approach which recognises the need case for renewables, and which therefore does not seek to respond to a perceived need to constrain further development. Draft LSS should be consulted upon in the same way as LDPs. The draft LSS should also be available for consultation in the same timeframe as the LDP itself, so that draft policies are considered alongside the draft LSS.

We recommend that SG engage in more detail with emerging LDPs to ensure that these are in line with clear advice set out in SPP (notably SPP 161 and Table 1), and that draft LSSs reflect the approach outlined above.

As recognised by SNH in its guidance ‘Spatial Planning for Onshore Wind Turbines – natural heritage considerations’ (2015) a policy of landscape accommodation for wind farms may be appropriate for

² <https://www.transformingplanning.scot/national-planning-framework/resources/>

³ <https://www.transformingplanning.scot/national-planning-framework/resources/>

areas subject to local designations and for wild land areas, as opposed to the policy of landscape protection advised generally for SPP Group 1 areas. LSSs should recognise this advice alongside the need for additional renewables deployment to address the Climate Emergency and meet our net-zero targets.

Conclusion

Scottish Renewables believes that LCSs are not fit for purpose, particularly in the face of the Climate Emergency and Scotland's ambitious net-zero targets. These studies are given undue weight in the planning system by being referenced and applied in development plan policies. We recommend they be replaced with LSSs as a starting point in project assessment, while giving weight to SPP 161 and Table 1. Meeting Scotland's ambitious goals will require a positive approach which recognises the need case for additional renewable energy deployment.